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PATENT APPLICATION
Mo-6996
LeA 33,955

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF)
GÜNTHER EBERZ ET AL) GROUP NO.: 1656
SERIAL NUMBER: 10/069,353) EXAMINER: CHIH MIN KAM
FILED: OCTOBER 10, 2002)
TITLE: NUCLEIC ACIDS CODING FOR)
ENZYME ACTIVITIES OF)
SPINOSYN BIOSYNTHESIS)

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. 1.97(c) AND
STATEMENT UNDER 37 C.F.R. 1.97(e)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This disclosure statement under 37 CFR 1.97 & 1.98 is submitted before the Final Action in order that the Patent and Trademark Office may consider the relevancy of certain information to the invention described and claimed in the subject application, and in compliance with the regulations concerning information disclosure statements.

Enclosed are copies of the following:

- a) the Search Report received in the corresponding application pending in the European Patent Office and an English language translation thereof; and

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an enveloped addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on 10/25/05

Date

Raymond J. Harmuth, Reg. No. 33,896

Name of applicant, assignee or Registered Representative

Ray J. Harmuth
Signature

October 25, 2005

Date

- b) the articles cited by the European Patent Office in the Search Report (except the documents previously submitted) listed on the attached Form PTO-1449.

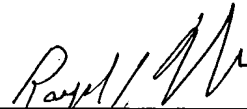
This Information Disclosure Statement should not be construed as representation that a search has been made, that additional information material to the examination of this application does not exist, that any reference mentioned herein constitutes prior art, or that the references listed, severally or in any combination with one another or with any other information, are believed to render any claim in the subject application prima facie unpatentable.

STATEMENT UNDER 37 C.F.R. 1.97(e)

The undersigned states that each item of information contained in this disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.

Respectfully submitted,

By



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Form PTO 1449 Rev. 7-80 U.S. Department of Commerce Patent and Trademark Office LIST OF PRIOR ART CITED BY APPLICANT (Use Several Sheets If Necessary)	Atty. Docket No. Mo-6996/LeA 33,955	Serial No. 10/069,353
	Applicant Günther Eberz et al	
	Filing Date October 10, 2002	Group 1656

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA					
	AB					
	AC					
	AD					
	AE					
	AF					
	AG					
	AH					
	AI					
	AJ					
	AK					

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						Yes	No*
	AL						
	AM						
	AN						
	AO						
	AP						

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR		Ikeda H et al: "Organization of the biosynthetic gene cluster for the polyketide anthr" Proceedings of the National Academy of Sciences of USA, National Academy of Science, Washington, US, Bd. 96, Nr. 17, 17. August 1999 (1999-08-17), Seiten 9509-9514, XP002297624
	AS		Schwecke T et al: "The Biosynthetic Gene Cluster for Thepolyketide Immunosuppressant Rapamycin" Proceedings of the National Academy of Sciences of USA, National Academy of Science, Washington, US, Bd. 92, 1. August 1995 (1995-08-01), Seiten 7839-7843, XP000652288
	AT		Kao C. M. et al: "Engineered Biosynthesis of a Complete Macrolactone in a Heterologous Host" Science, American Association for the Advancement of Science, US, Bd. 265, Nr. 5171, 22. Juli 1994 (1994-07-22), Seiten 590-512, XP002073974

EXAMINER	DATE CONSIDERED
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EXAMINER Initial if references considered, whether or not citation is in conformance with MPEP 609: Draw line through if not in conformance and not considered. Include copy of this form with next communication to applicant.

* Neither English Language Equivalent nor an English Language Translation is available.

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	AL							
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	AN							
	AO							
	AP							

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR	Waldron C et al: "A Cluster of Genes for the Biosynthesis of Spinosyns, Novel Macrolide Insect Control Agents Produced by Saccharopolyspora Spinoso" Antonie Van Leeuwenhoek, Dordrecht, NL, Bd. 78, Nr. 3/4, Dezember 2000 (2000-12), Seiten 385-390, XP008015874
	AS	Waldron C et al: "Cloning and Analysis of the Spinosad Biosynthetic Gene Cluster of Saccharopolyspora Spinoso" Chemistry and Biology, Current Biology, London, GB, Bd. 8, Nr. 5, Mai 2001 (2001-05), Seiten 487-499, XP001008017
	AT	Madduri K et al: "Genes of the Biosynthesis of Spinosyns: Applications for Yield Improvement in Saccharopolyspora Spinoso" Journal of Industrial Microbiology and Biotechnology, Basingstoke, GB, Bd. 27, Nr. 6, Dezember 2001 (2001-12), Seiten 399-402, XP008015876
EXAMINER		DATE CONSIDERED
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